



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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GAIL FARBER, Director

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November 15, 2011

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

32 November 15, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**DELEGATE AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS  
TO NEGOTIATE AND ENTER INTO A CONSTRUCTION, OPERATION, AND MAINTENANCE  
AGREEMENT WITH  
THE ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY, CITY OF INDUSTRY, AND  
THE UNION PACIFIC RAILROAD  
FOR THE NOGALES STREET GRADE SEPARATION PROJECT  
IN THE UNINCORPORATED COMMUNITY OF  
ROWLAND HEIGHTS AND THE CITY OF INDUSTRY  
(SUPERVISORIAL DISTRICTS 1 AND 4)  
(3 VOTES)**

### **SUBJECT**

This action is to authorize the Director of Public Works or her designee to negotiate and enter into a construction, operation, and maintenance agreement and any amendments between the County of Los Angeles, City of Industry, Alameda Corridor-East Construction Authority, and Union Pacific Railroad covering the design, construction, operation, and maintenance of the Nogales Street grade separation project in the City of Industry and the unincorporated community of Rowland Heights.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

Authorize the Director of Public Works or her designee to negotiate and enter into a construction, operation, and maintenance agreement between the County of Los Angeles, City of Industry, Alameda Corridor-East Construction Authority, and Union Pacific Railroad covering the design, construction, operation, and maintenance of the Nogales Street grade separation project.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to authorize the Director of Public Works or her designee to negotiate and enter into a construction, operation, and maintenance agreement (C&M Agreement), in a form approved by County Counsel, between the County of Los Angeles (County), City of Industry (City), Alameda Corridor-East Construction Authority (ACE), and Union Pacific Railroad (UPRR) to address the design, construction, operation, and maintenance of the proposed Nogales Street grade separation. This project will eliminate the UPRR at-grade crossing at Nogales Street by the construction of an underpass for Nogales Street and includes the widening of Gale Avenue and Walnut Drive, relocation of storm drains, and the construction of a temporary detour road.

UPRR requires that local jurisdictions enter into a C&M Agreement to delineate the responsibilities of the railroad and the local jurisdiction during design, construction, and following construction. ACE will transfer operation and maintenance of the grade separation to the UPRR, County, and City following completion and acceptance of the project. ACE has already executed an agreement with the County authorizing ACE to obtain approvals and permits from UPRR on the County's behalf. Your Board's approval of this C&M Agreement will delineate the responsibilities for the grade separation project between UPRR and the County within County jurisdiction.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The project will enhance traffic flow and the community environment for County residents, increase safety, and foster economic vitality, thereby improving their quality of life.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

On January 13, 2009, Agenda Item No. 23, your Board approved a Project Baseline Agreement between the County and ACE that provided for the County to commit \$12,000,000 in local funds toward the cost of the project.

Subsequently, the County identified \$13,283,147 in Federal funds that can be used in lieu of the County's local funds committed for the project. On May 10, 2011, Agenda Item No. 41, your Board approved a cooperative agreement with ACE for the design and construction of the project and formalized the transfer of the Federal funds from the County to ACE.

Prior to completion of the project, the City and County will execute an agreement for the City to reimburse the County for its jurisdictional share of the operation and maintenance cost of the improvements. The total annual cost of these activities is estimated to be \$16,650, with the County's share of this cost estimated to be \$10,650. The necessary funds will be included in future Road Fund budgets as part of the annual budget process.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The proposed agreement will delineate the construction, operation, and maintenance responsibilities of the UPRR, ACE, City, and County for the Nogales Street grade separation project. Following completion and acceptance of the project, UPRR will maintain the track and the underpass bridge superstructure; the County will maintain the underpass bridge substructure, pump station, and the portion of the roadway and landscaping in the unincorporated County; and the City will maintain the

portion of the roadway and landscaping within the City limits. The City will reimburse the County for its jurisdictional share of the operation and maintenance cost of the project including the cost to maintain the underpass bridge structure and the pump station. Prior to acceptance by the County, ACE will maintain the proposed improvements. The County is required to coordinate with the UPRR when there will be major maintenance on its portion that affects railroad operation.

The C&M Agreement will be approved as to form by County Counsel prior to execution by the Director or her designee.

### **ENVIRONMENTAL DOCUMENTATION**

On May 10, 2011, Agenda Item No. 41, your Board adopted a Mitigated Negative Declaration prepared by ACE and adopted the Mitigation Monitoring and Reporting Program for the project finding the program is adequately designed to ensure compliance with the mitigation measures. The Mitigated Negative Declaration found that following mitigation, the project will not have a significant effect on the environment in accordance with the provisions of the California Environmental Quality Act.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended action will improve the quality of life for County residents traveling in the San Gabriel Valley through enhanced safety, increased mobility, and improved air quality by facilitating the design, construction, operation, and maintenance of this railroad grade separation.

### **CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Programs Development Division.

Respectfully submitted,



GAIL FARBER

Director

GF:JTW:pr

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office